IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.K.DENESAN

WEDNESDAY, THE 28TH MARCH 2007 / 7TH CHAITHRA 1929

WP(C).No. 10664 of 2007(T)

PETITIONER:

SATHYANATHAN I.,
L.D.CLERK, OFFICE OF THE D.I.G.(PRISONS),
NORTH ZONE, CIVIL STATION, KOZHIKODE-20.

BY ADV. SRI.ELVIN PETER P.J.

RESPONDENTS:
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1. STATE OF KERALA, REPRESENTED BY ITS
SECRETARY, HOME DEPARTMENT,
SECRETARIAT, THIRUVANANTHAPURAM.

2. THE DIRECTOR GENERAL OF POLICE(PRISONS),
PRISONS HEAD QUARTERS, THIRUVANANTHAPURAM.

BY GOVT. PLEADER SHRI. BIJOY CHANDRAN

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 28/03/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

K.K.DENESAN, J.

WP(C)No. 10664 OF 2007

Dated this the 28th March, 2007.

JUDGMENT

The petitioner is working as Lower Division Clerk in the Prisons Department. As per the rules in force Lower Division Clerks are eligible to be considered for transfer appointment to the post of Assistant Jailor Gr.I. Request made by the petitioner was turned down by the second respondent stating that in the light of the proposed amendment to the rules, the petitioner is not eligible for transfer appointment. Feeling aggrieved and contending that the right for transfer appointment shall be considered based on the rules as they existed on the date of occurrence of the vacancy, the petitioner submitted Ext.P5 representation before the first respondent. The petitioner has filed this writ petition for quashing the orders issued by the second respondent and for a direction to appoint him as Assistant Jailor Gr.I with effect from 30.11.2006.

2. As the representation filed by the petitioner is pending, it is only appropriate that the first respondent takes up for consideration the request made by the petitioner to appoint him as Assistant Jailor Gr.I against the 25% vacancies reserved for clerks in the Prisons Department. This has to be done as early as possible.

Government shall pass orders on Ext.P5 within one month from the date of receipt of a copy of the judgment. Writ petition is disposed of with the above directions.

The petitioner shall produce a copy of the judgment along with a copy of the writ petition before the first respondent for information and compliance.

K.K.DENESAN
Judge

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